

**Governor's Task Force on Real ID Act of 2005**  
**Meeting Documentation**  
**November 2, 2005**

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**Attendees**

Anne Atkins, DMV Communications Office  
Richard Barton Campbell, Office of the Attorney General  
Robert M. Blue, Dominion Resources, Incorporated  
Linda Brown, Infineon Technologies  
Sharon Brown, DMV Driver Services Administration  
Karen Chappell, DMV Deputy Commissioner  
Ralph Davis, Deputy Secretary of Transportation  
Eileen Filler-Corn, Governor's Liaison Office  
Colonel W. Stephen Flaherty, Virginia State Police  
George Foresman, Office of Commonwealth Preparedness  
Pam Goheen, DMV Communications Office  
Barry Goleman, CGI-AMI  
Theresa Gonyo, DMV Data Integrity  
Tanya M. Gonzalez, City of Richmond  
Charles M. Guthridge, Charles Guthridge Associates  
J. D. Morgan Guthridge, Charles Guthridge Associates  
Barbara Klotz, DMV Legislative Services  
John W. Knapp, Verizon Virginia  
David Leahy, DMV, Virginia Information Technology Administration  
Becky Lloyd, DMV Legislative Services  
Carol M. Longley, DMV Legislative Services  
Dean A. Lynch, Office of the Secretary of Health and Human Resources  
JoAnne Maxwell, DMV Legislative Services  
Marta Morales, DMV Legal and Regulatory Affairs  
Fred Norman, CVC, LLC  
Dave Pendergross, Mitem  
Aimee Perron Seibert, American Civil Liberties Union of Virginia (ACLU)  
Betty L. Serian, Pennsylvania Department of Transportation  
D. B. Smit, DMV Commissioner  
Jeff Spencer, Senior Assistant Attorney General  
Roger L. St. John, Philadelphia Region of the Social Security Administration  
Jay Stanley, American Civil Liberties Union of Virginia (ACLU)  
Mike Stollenwerk, Fairfax County Privacy Council  
Walter Tejada, Arlington County Board of Supervisors  
Tully Welborn, DMV Customer Service Management Administration  
Kent Willis, American Civil Liberties Union of Virginia (ACLU)

## **Meeting Summary**

### **Welcome/Introductory Comments: D. B. Smit, DMV Commissioner**

All participants were welcomed and provided a brief overview of the purpose of the Governor's Task Force on the Real ID Act of 2005. D. B. Smit outlined the responsibilities of the task force established by the Governor. The responsibilities include:

- 1) Reviewing the Real ID Act and providing awareness of the impact this law will have on the citizens of Virginia as well as governmental and private sector entities and all states.
- 2) Identifying options for compliance and developing strategies to address this law.
- 3) Exploring how the act will be mitigated through regulations, congressional actions, the General Assembly and ultimately enhancing the law to make it more understandable.
- 4) Identifying a timeline for implementation.

The task force will issue a report to the Governor and General Assembly by December 31, 2005.

### **Overview of Real ID Act: "What does it mean for Virginia?" JoAnne Maxwell, DMV Director of Policy**

The Real ID Act was signed into law on May 11, 2005, in an effort to make government-issued identification more secure to counter the threat of terrorism. This law will be effective May 11, 2008. Once the law is in effect, federal agencies cannot accept state-issued credentials from states that do not meet Real ID requirements. State compliance with this Act must be certified through the Secretary of Homeland Security.

This Act outlines the requirements that need to be met in order for a state to be compliant. These requirements are geared toward the document being issued, issuance standards, and other miscellaneous elements that pertain to behind the scene processing, ie: data exchanges, verifications, and technological solutions.

The requirements of the document itself were outlined for the group. The driver's license/identification card issued must contain the applicant's full legal name, date of birth, gender, driver's license/identification card number, digital

photograph, principal residence address, signature, physical security features and machine readable technology.

In order for the state to proceed with issuing a driver's license/identification card document, issuance standards must be met. The applicant must present identity, date of birth, social security number (SSN) or non-eligibility, principal residence and lawful status in the United States documents. If status is temporary in the United States, the driver's license/identification document must clearly indicate that it is temporary and include an expiration date. All documents must be verified with the issuing entity, including governmental and private sector entities.

There are other elements of the Act that need to be addressed in addition to document requirements and issuing standards. These include:

- Capturing digital images of identity source documents
- Capturing facial images
- Confirming a renewing applicant's information
- Confirming SSN or ineligibility with Social Security Administration
- Prohibiting the issuance of a driver's license/identification card to a person who currently holds a driver's license/identification card from another state unless it is terminated
- Having physical security of production sites and materials
- Subjecting persons who produce these documents to security clearances
- Providing fraudulent document training to staff
- Providing validity periods for non-temporary driver's licenses/identification cards of no more than 8 years
- Outlining requirements for non-compliant driver's license/identification cards
- Providing an electronic database that all states can access

While Virginia is already in compliance with some of the requirements, many technological enhancements, data exchanges, and procedures need to be developed in order to be fully compliant.

The impacts of this bill will be felt on many different levels. Customers visiting the DMV will be met with delays in obtaining their driver's licenses/identification card documents, and several trips by the customer may need to be made to ensure that they bring correct documents. For those customers who renew by an alternative service, they may no longer have that convenience.

There is a possibility that federal and state sources may provide funding. However, at this time, the source of funding is unclear. In the event that funding is not provided, customers may also experience increased driver's license/identification card fees.

With the need for development of regulations, technology and electronic solutions and cooperation by governmental and private sector entities, the implementation deadline, May 11, 2008 was discussed. The technological and

electronic solutions will take longer than this deadline to be developed. If Virginia does not meet the deadline, credentials held by Virginia residents will not be accepted by federal agencies.

**American Association of Motor Vehicle Administrators (AAMVA) Overview:  
Betty Serian, Pennsylvania Deputy Secretary for Safety Administration**

AAMVA is an association of motor vehicle administrators that represent the United States and Canada. The mission of the association is to ensure that these groups work collaboratively to support and improve motor vehicle administration, safety, identification security and law enforcement. The association works toward uniformity and reciprocity among the states.

Prior to the signing of the Real ID Act, AAMVA was involved in providing states guidelines and standards for driver's licensing. AAMVA developed a DL/ID framework document, based on states' best practices, that is to be considered by states to improve identification security. The document provides a framework for business requirements, internal controls, and review of identification documents.

AAMVA has established a Real ID taskforce that is working with the Department of Homeland Security (DHS) and the National Governor's Association (NGA). AAMVA's role in the taskforce is to provide:

- Technical expertise and model language for regulations
- Assist in establishing clear assumptions for Real ID in order for states to determine what the real costs and impacts are
- Share resources and expertise
- Assist in system infrastructure development
- Provide recommendations and act as a resource for members
- Develop model regulations and make available to DHS, NGA and others upon request

A recent meeting was held among these groups. The context of this meeting included obtaining clarity on the Act, obtaining input from experts, building on previous experiences, looking at the critical timeframes, and reviewing the verification issues. DHS indicated that requirements are considered "day forward" which could address the "grandfathering" issue. Additional meetings will be held to continue these discussions.

## **Questions/Issues/Discussion**

There was open discussion by members. Many were sharing ideas, stating issues and presenting questions. The following are items that were mentioned.

### **Elements to Consider for Report Development**

- 1) A list of acronyms/glossary is needed.
- 2) The report should address the issues relating to civil rights protection, racial profiling, and the hardship to the average person.
- 3) Provide our own solutions/recommendations that can be met by the implementation deadline.
- 4) Refrain from suggesting the impacts on service/costs until details/business rules have been determined.
- 5) Currently the team is striving for 100% risk free solution for customer service concerns, compliance and privacy. The team should strive for a “reasonable” solution with a balanced approach including reasonable measures.
- 6) The team should identify identity theft and privacy concerns and determine if biometrics would help or hinder.
- 7) Document lessons learned from implementation of legal presence.
- 8) Explore what will be the model for implementation: ie: AAMVA as conduit for SSN verification, establishment of enumeration centers like the pilot being conducted at the Social Security Administration, localizing expertise, creation of regional centers that service customers from multiple states or private solutions.
- 9) Regulatory process creates an opportunity for states to make the requirements more reasonable.
- 10) Develop strategies to influence decision makers, through the regulatory process and legislation.
- 11) Would like to see AAMVA and NGA closely linked for technical expertise and to provide suggestions. (Meeting 11-10-05 between NCSL, NGA and AAMVA)
- 12) Identify those items that will need to go before the General Assembly and determine if those items need to be presented during the 2006 session or can wait until next year.
- 13) Compare Real ID document requirements to current Virginia legal presence documents and process.
- 14) We need to provide DHS with suggested interpretations of the requirements in the Act in any situations where there is ambiguity.
- 15) How could we possibly “verify” without always going back to the entity that issued the proof document?
- 16) Task Force members need to stay abreast of other federal legislation unique to their areas of expertise that ties to Real ID.
- 17) Staffing and training needs to implement correctly need to be identified.

### **Questions that need clarification**

- 1) What grants will Homeland Security provide to assist with implementation?
- 2) Need clarification on no foreign documents being accepted. How will we accomplish verification of foreign passports?
- 3) Will need to know what will be required for renewals; will customers need to provide verification every renewal cycle or will confirmation of renewal documents be sufficient?
- 4) Details needed for proof of ineligibility. How will discrepancies be resolved?
- 5) Need to know repercussions if Virginia cannot comply by the deadline.

### **Discussion on Compliance**

- 1) Non-compliance may not be practical, members should assume compliance for purposes of the development of the task force report. Determine what needs to be done statutorily. Look at the law from a national perspective and what is ultimately best for Virginia.
- 2) Non-Compliance is not an option for Virginia per Chief of Staff. Some legislators may not agree.
- 3) If not compliant, need to consider the impact on citizens needing public assistance.
- 4) If citizen opts not to comply, and the driver's license provides citizen the authority to drive, discuss whether Virginia should offer a non-compliant certificate/document.
- 5) Will Virginia now have to require SSN to get an identification card? This does not comply with the Federal Privacy Protection Act.

### **Database and Technology**

- 1) Identify technical requirements/needs for DMV to accomplish the objectives set forth for implementation of Real ID.
- 2) Need to establish system parameters for full legal name and what will be required by the system especially for individuals with multiple last names.
- 3) What happens to the stored images of documents once approved, after the retention expiration, when the customer moves to another state or leaves the country?
- 4) How will requirements be addressed for non-compliant states for the data exchange?

### **Items to Consider for Implementation**

- 1) Determine how to comply with the requirement that temporary driver's licenses must clearly indicate temporary status.
- 2) Develop an appeals/complaint process.

- 3) Develop a public awareness campaign geared toward citizens and non-citizens who will be impacted.
- 4) Will need provisions for emergencies.
- 5) When preparing, consider lessons learned. For example, the need for heightened review similar to legal presence.
- 6) Explore details on sensitive issues.
- 7) A list of acceptable documents is needed.
- 8) Impact on staff training.
- 9) Ever changing document requirements require continual training.
- 10) Keep those who have been a victim of domestic violence in mind when developing requirements for placing residence address on credentials.

**Next Steps:**

- Obtain private sector input on address verification requirements.
- Address questions raised during discussion.
- Document Virginia's optimal model approach by next Task Force meeting.
- Determine what legislation is needed for General Assembly this year.
- Identify technology needs.
- Identify decision-making processes, how to provide input and what input to provide.
- Develop proposed timeline for reporting to Governor.
- Social Security Administration report on plan for ineligibility.